

Message Text

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60

ORIGIN EB-07

INFO OCT-01 EUR-12 EA-06 ISO-00 L-03 CAB-02 CIAE-00

COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 OES-03

H-02 SS-15 NSC-05 TRSE-00 /063 R

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APPROVED BY EB/OA/AVP:DBORTMAN

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OES/EN - GLASOE

EA/J - BROWN

FAA - TENNYSON

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P R 242300Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

INFO AMCONSUL MONTREAL

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR - NOISE LEVY

REF : TOKYO 9844

1. EMBASSY SHOULD IN ITS DISCRETION DELIVER NOTE
ALONG THE FOLLOWING LINES TO GOJ:

2. BEGIN TEXT: IT HAS BEEN BROUGHT TO OUR ATTENTION
THAT THE GOVERNMENT OF JAPAN HAS UNDER CONSIDERATION
AT CERTAIN JAPANESE AIRPORTS A LEVY TO FINANCE NOISE
ABATEMENT MEASURES. WE UNDERSTAND THAT THE CHARGE
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COULD INCREASE LANDING FEES BY BETWEEN 50 TO 85 PERCENT.

WE APPRECIATE PROBLEM POSED BY AIRCRAFT NOISE IN THE VICINITY OF AIRPORTS. THE U.S. FACES THIS PROBLEM AS DO ALL COUNTRIES WITH SIGNIFICANT AIR TRANSPORT SYSTEMS AND WE RECOGNIZE THE NEED FELT BY THE GOJ TO INSTITUTE NOISE ABATEMENT MEASURES AROUND AIRPORTS WITHOUT UNNECESSARY DELAY. IT IS THE VERY UNIVERSALITY OF THIS PROBLEM WHICH CAUSED THE INTERNATIONAL CIVIL AVIATION ORGANIZATION TO ADOPT ANNEX 16 IN 1969 ESTABLISHING NOISE STANDARDS FOR AIRCRAFT AND TO ESTABLISH A COMMITTEE ON AIRCRAFT NOISE. ALSO IT IS THE UNIVERSALITY OF

THE PROBLEM AND THE ENORMOUS POTENTIAL SUMS INVOLVED IN IMPLEMENTING COUNTER MEASURES WHICH WE BELIEVE MAKE IT IMPORTANT THAT MAJOR AVIATION COUNTRIES SHOULD LEAD THE WAY IN ADOPTING CRITERIA WHICH ARE REASONABLE, NON-DISCRIMINATORY, AND EQUITABLE IN DISTRIBUTING THE BURDEN OF SUCH COSTS AND WHICH DO NOT SET UNDESIRABLE PRECEDENTS FOR OTHER COUNTRIES TO FOLLOW. OTHERWISE INTERNATIONAL AIR TRANSPORT COULD BECOME THE CENTER OF CONTROVERSY OVER A GREAT VARIETY OF NOISE LEVIES WHICH TO ONE OR ANOTHER DEGREE APPEAR TO DISCRIMINATE AGAINST AND IMPOSE SEVERE FINANCIAL BURDENS ON INTERNATIONAL AIR TRANSPORT AND THE TRAVELING AND SHIPPING PUBLIC.

WITH THESE MOTIVES FOREMOST IN MIND, WE URGE THAT CRITERIA GOVERNING THE PROPOSED JAPANESE LEVY SHOULD NOT BE BASED ON FACTORS UNRELATED TO OR ONLY INCIDENTALLY RELATED TO NOISE, SUCH AS AIRCRAFT WEIGHT, NOR SHOULD AIRCRAFT USING ONE AIRPORT BE FORCED TO SUPPORT NOISE REMEDIAL COSTS AT OTHER AIRPORTS. UNDER THE PROPOSED JAPANESE SCHEME, CARRIERS OPERATING WIDE-BODIED AIRCRAFT WOULD BE PENALIZED IN COMPARISON WITH THOSE OPERATING NARROW-BODIED AIRCRAFT, EVEN THOUGH IN GENERAL MOST WIDE-BODIED AIRCRAFT PRODUCE LESS NOISE THAN NARROW-BODIED AIRCRAFT AND CARRY MORE PASSENGERS. MOREOVER, ALTHOUGH SOME 70 PERCENT OF ALL INTERNATIONAL AIRCRAFT LANDINGS TAKE PLACE AT HANEDA, 76 PERCENT OF THE PROCEEDS FROM THE NOISE CHARGES WOULD BE USED AT OSAKA.

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IN OUR VIEW CHARGES UNRELATED TO NOISE AND UNRELATED TO AIRPORT USE COULD BE CONSTRUED AS BEING UNREASONABLE AND DISCRIMINATORY AND THUS IN CONTRADICTION OF ARTICLE 15 OF THE CHICAGO CONVENTION, AND ARTICLE 6 OF THE U.S.-JAPAN BILATERAL AIR TRANSPORT AGREEMENT. FURTHER, U.S. PUBLIC LAW 93-623 APPROVED JANUARY 3, 1975 PROVIDES AUTHORITY TO LEVY COMPENSATORY CHARGES WHEN DISCRIMINATORY

CHARGES HAVE BEEN ASSESSED ON U.S. CARRIERS BY FOREIGN
AUTHORITIES.

ACCORDINGLY, THE USG URGES THAT THE GOJ RECONSIDER
ITS PROPOSED REGULATION IN CONSIDERATION OF THE FOREGOING
OBJECTIONS OR POSTPONE ITS APPLICATION UNTIL THERE
HAS BEEN AN OPPORTUNITY TO STUDY THIS PROBLEM FURTHER.
END TEXT.

INFORM DEPT SOONEST TEXT OF NOTE ACTUALLY DELIVERED SINCE
CONSIDERABLE AVIATION INTEREST DUE IN ACTION WE ARE
TAKING. KISSINGER

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